IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

W.A.No.731 of 2006(D)

AGAINST THE JUDGEMENT IN W.P.(C).NO.34639/2005-W DATED 20/02/2006
.....

APPELLANT/NOT A PARTY:-

V.VIJAYAKUMARAN NAIR,
TC 17/555(1) KAVUVILA VEEDU,
CHUDIYARA, POOJAPPURA,
THIRUVANANTHAPURAM.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR

RESPONDENTS: PETITIONER & RESPONDENTS:-

1. AMARAVILA CHUDUKAL ULPADAKA KRAYA VIKRAYA SAHAKARANA SANGHAM LTD., NO.K.V.IND.(T)3, NEYYATTINKARA.P.O, REPRESENTED BY ITS SECRETARY.

2. THE KHADI BOARD, REPRESENTED BY ITS SECRETARY, KHADI BOARD OFFICE, VANCHIYOOR, THIRUVANANTHAPURAM.

3. THE RECOVERY OFFICER, EMPLOYEES PROVIDENT FUNDS, BHAVISHYANIDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

4. THE ENFORCEMENT OFFICER (RECOVERY), EMPLOYEES PROVIDENT FUNDS BHAVISHYANIDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

R1 BY ADV.SRI.D.SAJEEV.

R3 & R4 BY STANDING COUNSEL SRI.N.N. SUGUNAPALAN (SENIOR ADVOCATE)
SMT.T.N.GIRIJA.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 4.6.2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.731 of 2006-D

Dated, this the 4th day of June, 2007

JUDGMENT

H.L.Dattu,C.J.

One Sri.V.Vijayakumaran Nair, resident of Poojappura, Thiruvananthapuram is the appellant in this appeal. Being aggrieved by the orders passed by this Court in W.P.(C).No.34639 of 2005 dated 20.2.2006, he is prosecuting this appeal after obtaining leave from this Court.

2. The 1st respondent is a Society registered under the provisions of the Kerala Co-operative Societies Act. The Society has not discharged its liability under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. To recover the aforesaid amount, the respondents 3 and 4 in the appeal have attached an immovable property measuring an extent of 79 cents of land in Re-survey No.84 situate at Neyyattinkara Village.

3. The appellant is interested in purchasing the property. Therefore, his learned counsel would submit that whatever amount that is due as on today to the respondents 3 and 4, he would discharge the same in 45 days after intimation of the amounts due to them by respondents 3 and 4 and obtain No Objection Certificate from respondents 3 and 4 to execute a sale deed in his favour by 1st respondent-Society. The suggestion made by Sri.E.K.Nandakumar, learned counsel appearing for the appellant is not resisted by learned counsel appearing for respondents 3 and 4 as well as the learned counsel appearing for the 1st respondent-Society.

4. In view of this understanding between the parties, for the present we need not have to go into the merits or demerits of the orders passed by the learned Single Judge. Accordingly, the appeal is disposed of as under:

Order

(i) Respondents 3 and 4 shall intimate the amounts due as to today to the appellant Sri.V.Vijayakumaran Nair within fifteen days from today.

(ii) After such intimation, the appellant shall deposit the said amount with respondents 3 and 4 within 45 days thereafter.

(iii) If such deposit is made within the time granted, respondents 3 and 4 will give him a No Objection Certificate for purchase of property measuring an extent of 79 cents in Re-survey No.84 situate at Neyyattinkara Village.

(iv) If and when the appellant produces the No Objection Certificate from respondents 3 and 4, the 1st respondent shall execute an appropriate sale deed in favour of the appellant at his cost.

Ordered accordingly.

Consequently, I.A.No.1149 of 2006 is dismissed.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/DK